

I said to myself as I walked away,  
 "Which of these roles am I trying to play?  
 Am I a builder who works with care,  
 Building my life by the rule and square?  
 Am I shaping my deeds by a well-laid plan,  
 Patiently building the best I can?  
 Or am I a wrecker who walks the town  
 Content with the labor of tearing down?"

That's what we see today. I call on my colleagues to stand as the Framers intended, as a check against an overreaching executive. I have urged the people of America to awaken to what is happening and to speak out against those who would tear down the fabric of Constitutional liberty. To speak out, for it is the duty of each citizen to be vigilant to what his or her government is doing, and to be critical, if need be. It is not unpatriotic to speak out. It is not unpatriotic to ask questions. It is not unpatriotic to disagree. Speak out, lest the right of dissent, the right to disagree, be trampled underfoot by misguided zealotry and extreme partisanship.

I have been in Congress now close to 51 years, longer than any other person—out of 11,707 individual persons who have served in the House or Senate or both—with the exception of two. And I have never seen such extreme partisanship; such bitter partisanship; such forgetfulness of the faith of our fathers, and of the Constitution. Never have I seen the equal of what I have seen in these last three years.

But let us not fear. The individual mind remains an unassailable force. The individual voice can inspire other to act. A single act of bravery can lead an army against great odds. At a time when dissent is labeled unpatriotic, the strength of a single individual can give hope to the hopeless, voice to the voiceless, power to the powerless.

"The iron will of one stout heart shall make a thousand quail. A feeble dwarf, dauntlessly resolved, will return the tide of battle, and rally to nobler strife the giants that had fled (Martin F. Tupper, 1810-1889)."

During these troubled times, the legacy of Franklin Eleanor Roosevelt is not forgotten. Again, I thank Ann Roosevelt and the inimitable William vanden Heuvel (the Great!), and the Board of the Roosevelt Institute for this great honor. I thank again my protegee in whom I have great pride, Senator Hillary Clinton. And I thank each of you here this morning. This day has inspired me to carry on with new energy.

I close with words from President Roosevelt's first inaugural address: "[T]he only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance."

If I may be so bold as to add, let us take courage from conviction. Carry high the banner of this Republic, else we fall into the trap of censorship and repression. The darkness of fear must never be allowed to extinguish the precious light of liberty.

May we remember the words of the Scripture (Proverbs 22:28): "Remove not the ancient landmark, which thy fathers have set."

#### EXPANSION OF NATIONAL SECURITY LETTER AUTHORITY IN INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. LEAHY. Mr. President, yesterday saw passage of yet another example of this Administration's secret efforts to further expand secret powers of the FBI. The FBI can now use National Security Letters, NSLs, which do not require approval by a court, grand jury, or prosecuting attorney, to de-

mand confidential financial records from car dealers, pawn brokers, travel and real estate agents, and other businesses, and to prohibit the business from disclosing that the records have been sought or obtained.

There is no requirement that the FBI demonstrate a need for such records. It need only assert that the records are "sought for" an intelligence or terrorism investigation. Nor are there sufficient limits on what the FBI may do with the records or how it must store them. For example, information obtained through NSLs may be stored electronically and used for large-scale data mining operations.

Congress last expanded the FBI's NSL authority in October 2001, as part of the comprehensive antiterrorism package known as the USA PATRIOT Act. Incredibly, the Intelligence Committee forced passage of this latest expansion without consulting the Judiciary Committee, which oversees both the FBI and the implementation of the PATRIOT Act. Indeed, the Committee is in the midst of holding a series of oversight hearings on the PATRIOT Act, including the very provision that has now been significantly modified.

What is even more incredible is the fact that this very provision is the target of sunset legislation that I and other members of the Judiciary Committee, both Democratic and Republican, have introduced. There is no doubt that we would have meaningfully and thoroughly explored further expansion of the NSL authority had we been given the opportunity to do so.

This is what the new law has done. Under the PATRIOT Act, the FBI was permitted to use NSLs to obtain records from banks and other similar financial institutions if they were "sought for" an intelligence or terrorism investigation. Now the term "financial institution" has been expanded to include a host of other businesses that have nothing to do with the business of banking, and the term "financial record" has been expanded to include any record held by any such business that pertains to a customer.

The FBI has long had the power to obtain this sort of information, whether through a judicial subpoena or a search warrant. But with the stealth amendment of the NSL authority, the FBI can now obtain a vast amount of personal and highly confidential information without obtaining court approval, and without any other independent check on the validity or scope of the inquiry. The privacy rights of all Americans have been compromised as a result.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new cat-

egories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Today marks the fifth annual Transgender Day of Remembrance and this year, we mourn with 37 families who lost their loved ones to antitransgender violence. My home State of Oregon has also lost a citizen to this form of hatred. In August 2001, Lorenzo "Loni" Okaruru died after being savagely beaten about the head and face with a blunt instrument. Detectives believe that the crime was most likely committed by a man who picked up Okaruru, who he thought was a woman, and was angered to find out Okaruru was a biological male. Law enforcement officials believe that Okaruru was killed because of his sexual orientation and gender identity and have classified the crime as a hate crime. The Portland community and civil rights groups rallied together to denounce this horrible crime.

I believe that Government's first duty to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### CONSEQUENCES OF THE NO CHILD LEFT BEHIND ACT FOCUS ON STUDENT TESTING

Mr. FEINGOLD. Mr. President, this month public school students around Wisconsin are sharpening their No. 2 pencils and settling in to take a series of annual tests called the Wisconsin Knowledge and Concepts Examinations. These exams, given to students in grades four, eight, and ten, test students' knowledge of reading, language arts, math, science, and social studies.

These tests—and their results—have taken on new meaning for schools around my State as students and teachers in Wisconsin settle into their second school year under the No Child Left Behind Act. This law, the centerpiece of the President's domestic agenda, requires that students in grades three through eight and in one high school grade be tested annually in reading and math beginning in the 2005-2006 school year, with annual science tests to be added 2 years later. Thus, Wisconsin will be required to expand the WKCEs, and the already-existing annual third grade Wisconsin Reading Comprehension Test, to include new reading tests for students in grades five, six and seven; and new math tests for students in grades three, five, six, and seven.

As I travel around Wisconsin, I hear time and again from frustrated parents, teachers, administrators, and school board members about their concerns with the ongoing implementation of the NCLB. I began to hear such comments more than 2 years ago when the President first proposed his education

initiative, and this drumbeat of concern has increased as my constituents continue to learn first-hand what this new law means for them and for their students and children. While Wisconsinites support holding schools accountable for results, they are concerned about the focus on standardized testing included in the President's approach.

I opposed the President's education bill in large part because of this new annual testing mandate. The comments I have heard from people across Wisconsin about this new program have been almost universally negative. Parents, teachers, administrators, and others in the education community have told me that they are concerned about the effect that over-testing will have on Wisconsin's public school students. They oppose another layer of federally mandated testing for many reasons, including the cost of developing and implementing the additional tests, the loss of teaching time every year to prepare for and take the tests, and the unnecessary pressure that these additional tests will place on students, teachers, schools, and school districts.

The pressure to do well on annual tests is already weighing on the teachers and schools in Wisconsin, even with 2 years to go before the additional tests are required. The stakes are very high for schools and school districts. The results on these annual tests are a central part of the complicated formula that determines whether a school is meeting or exceeding its "adequate yearly progress" goals. Failure to meet AYP goals in two or more consecutive years will lead to sanctions for the schools and districts in question. I have heard from many constituents about the complex AYP system, and what being determined to be a "school in need of improvement" or a school that "has not met AYP" will mean for—and how these designations will be interpreted by—parents, students, school personnel, and the general public.

In order to measure AYP, Wisconsin and other States are required under NCLB to look at four indicators for each school and district: test participation, graduation and attendance criteria, reading achievement, and math achievement. Three of these four criteria are based on the annual standardized tests. This is troubling because the future of individual schools and school districts is riding on student participation in and success on just two exams—reading and math. These core subjects are important, to be sure, but I am concerned that this exclusive focus on testing—which is a top-down mandate from the Federal Government—may be detrimental to the successful education of our children, who could benefit from a more flexible approach.

As a recent editorial in the *La Crosse Tribune* points out, "the stakes on the schools are high. Buy what about students? The test result doesn't appear

on their transcript and it doesn't count toward a grade or graduation." And what if a student had a bad day? Or what if the required amount of students don't take the tests, and the school fails to meet the 95 percent participation rate required by the NCLB? A missed participation rate 2 years in a row would mean that the school is "in need of improvement," even if the students who took the tests did well on them.

In addition, some of my constituents are concerned about the value of these tests to students, parents, and teachers. According to one teacher, the existing tests don't have any meaning to students and have little meaning to classroom teachers. And the Federal Government has mandated that students take even more tests without developing a system that makes these new tests, or the existing ones for that matter, meaningful to students.

The impact of these standardized tests on students varies. Some students already have test anxiety and that anxiety may well increase unnecessarily. As the stakes increase for schools, the increased stress level is sure to filter down from administrators to teachers to students. For example, members of the Wisconsin School Counselors Association told me that they have been handing out apple-shaped "stress balls" for anxious third graders to squeeze while taking their reading tests.

While some students experience stress out about tests, others simply do not care about the tests at all, and fill in random answers or turn in blank test sheets—after all, there's no penalty if they do so. For students who are struggling, however, a low test score on a standardized test can be demoralizing. According to one Wisconsin teacher, "Students are being evaluated on one single test. What if the student has a bad day? . . . [T]he truly scary part is that standardized tests ensure that half of our students will always be 'below average.' How can we meet the benchmark that everyone will score proficient and advanced when the tests are designed to never let that happen? . . . Taking more tests is not going to improve learning."

Most students, of course, try their best. But they are confused about why they are taking tests that do not count toward their grades, and many students and parents are confused by the results of these tests.

With the stakes rising for schools and districts, some schools in Wisconsin have resorted to offering what amounts to bribes to encourage the students to participate in the WKCEs and to do well on them. Since the tests have little consequences for individual students, but very serious consequences for schools and districts, some schools are pulling out all of the stops to get students to take these tests seriously.

According to a recent article in the *Milwaukee Journal Sentinel*, some

schools are offering prizes to students who show up and complete their exams. These prizes range from movie tickets to gift certificates for a local mall to big ticket items such as a television and a DVD player. Some schools are offering exemptions from end-of-semester exams for students who do well on the WKCEs. One elementary school is promising students additional recess periods, snacks, and movies. One teacher told my staff that her school is allowing students to engage in one of the ultimate school no-nos chewing gum in the classroom in order to help to relieve the stress of taking the tests.

I will ask that the complete text of the two articles that I have referenced be printed in the *RECORD*.

Mr. President, schools in my State are already feeling the pressure to compel students to participate in and succeed on annual tests 2 years before the additional, federally mandated tests are added to the mix. I am concerned about the implications that this pressure, and the resulting scramble to get students to take these tests seriously, will have on public education in my State. I am not saying that schools should not be required to be successful or to show improvement in student performance. Of course, all schools should strive to ensure that they are successful and that their students show improvement.

But these examples from my State are clear evidence of one of the basic problems with the NCLB—its exclusive focus on test scores as the main measure of student achievement. When schools feel compelled to hand out goodies to get students to take tests seriously, those tests are not serving their intended purpose. Certainly, tests have their place in education. But tests should be used as one of multiple measures of student achievement, not as the sole means of determining the success or failure of a school.

I am extremely concerned that the new Federal testing mandate will not achieve the desired result of better schools with qualified teachers and successful students. I fear that this new mandate will curtail actual teaching time and real learning in favor of an environment where teaching to the test becomes the norm. The unfortunate result of this would be to show our children that education is not about preparing for their futures, but rather about preparing for tests—that education is really about sharp No. 2 pencils and test sheets, about making sure that little round bubbles are filled in completely, and, if their school districts and States have enough money, maybe about exam booklets for short answer and essay questions. I am also deeply concerned that this focus on testing will rob teachers of valuable teaching time and will squelch efforts to be innovative and creative, both with lesson plans and with ways of measuring student performance.

For these reasons, earlier this year I introduced the Student Testing Flexibility Act, a bill that would return a

measure of the local control that was taken from States and local school districts with the enactment of the NCLB. This bill would allow States and school districts that have demonstrated academic success for 2 consecutive years the flexibility to apply to waive the new annual testing requirements in the NCLB. States and school districts with waivers would still be required to administer high-quality tests to students in, at a minimum, reading or language arts and mathematics at least once in grades 3-5, 6-9, and 10-12 as required under the law.

This bill is cosponsored by Senators JEFFORDS, DAYTON, and LEAHY. I am pleased that this legislation is supported by the American Association of School Administrators; the National Education Association; National PTA; the National Association of Elementary School Principals; the National Association of Secondary School Principals; the School Social Work Association of America; the National Council of Teachers of English; the Wisconsin Department of Public Instruction; the Wisconsin Education Association Council; the Wisconsin Association of School Boards; the Milwaukee Teachers' Education Association; the Wisconsin School Social Workers Association; and the Wisconsin School Administrators Alliance, which includes the Association of Wisconsin School Administrators, the Wisconsin Association of School District Administrators, the Wisconsin Association of School Business Officials, and the Wisconsin Council for Administrators of Special Services.

I would also like to take a moment to discuss the recently released National Assessment on Educational Progress scores. In addition to a massive new annual testing requirement, the NCLB also requires States to participate in the previously voluntary NAEP tests for fourth grade reading and math, which are given every 2 years. Proponents of high-stakes testing argue that NAEP participation will help to ensure that the results of State-administered tests are valid, and that States are not "dumbing down" their tests in order to avoid Federal sanctions.

The NAEP scores that were released last week are the results of the first round of required testing under the NCLB, and, for the first time, include scores from all 50 States, the District of Columbia, and 2 schools run by the Department of Defense. While the nationwide test results are an improvement over the NAEP administered 2 years ago, I am deeply concerned about the lingering racial disparities in the test results.

I am particularly concerned that the test scores for the approximately 25,000 Wisconsin eighth graders who took this test lead the Nation in the gap between White and African-American students on both the reading and the math tests. While the NAEP was taken by only a small percentage of students in my

State and around the country, we cannot ignore the racial disparities in the test scores and the need to do more to ensure that all students have an equal opportunity for a quality education.

The Secretary of Education heralded the NAEP results, saying, "These results show that the education revolution that No Child Left Behind promised has begun." If these test scores prove anything, it is that too many children are being left behind. Study after study has shown that disadvantaged students lag behind their peers on standardized tests.

I regret that the President and the Congress have not done more to ensure that schools have the resources to help these students catch up with their peers before students are required to take additional annual tests that will have serious consequences for their schools. If we fail to provide adequate resources to these schools and these students, we run the risk of setting disadvantaged children up for failure on these tests—failure which could damage the self-esteem of our most vulnerable students.

Instead of focusing resources on those students and schools needing the most help, I am afraid that the testing provisions in the President's bill will punish those very schools with sanctions that will actually take badly needed funding away from them.

I would like to note that my constituents have raised a number of other concerns about the NCLB that I hope will be addressed by Congress. I continue to hear about complex guidelines and a lack of flexibility from the Department of Education. I hear about the unique challenges that the new tutoring, public school transfer, and other requirements pose for rural districts. My constituents often ask when the Federal Government is going to provide the funding it promised for education programs. I share my constituents' concern about imposing new sanctions on schools that do not meet yearly goals even though the programs that would help students and schools to meet those goals are not fully funded.

I will continue to monitor closely the implementation of the NCLB and its effect on public school students in Wisconsin.

I ask unanimous consent the articles to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal Sentinel, Nov. 9, 2003]

#### TAKE A TEST, GET A PRIZE

(By Amy Hetzner)

Some day soon, teams of Case High School sophomores could be sitting in a Racine movie theater and thanking President Bush.

In an attempt to boost the number of students taking the State's standardized test this week, Case High School will be handing out movie passes to every 10th-grader who completes the battery of exams.

It's just one of many efforts, which include a TV giveaway at another school, to improve

student performance and participation on the Wisconsin Knowledge and Concepts Examinations, or WKCEs.

In many Wisconsin schools, the testing began for fourth-, eighth- and 10th-graders last week and will continue until Nov. 21. The tests cover reading, language arts, mathematics, science and social studies.

If nothing else, the new incentives show the growing importance that President Bush's No Child Left Behind Act has placed on annual state testing.

If students slip up, they could cause their school to be labeled as needing improvement and sent on a path to escalating sanctions imposed by the Federal law. If, for example, less than 95% of students take the tests two years in a row, a school may have to allow students to transfer elsewhere.

But the students themselves have little incentive to put forward an effort. The exam doesn't count toward a grade or graduation and won't appear on any transcript.

As Larry Black, principal of Big Foot High School in Walworth, puts it: "For schools, they're high-stakes tests. For students, they're low stakes. . . . And that's a bad match."

#### ROLLING OUT THE REWARDS

To help surmount that obstacle and hopefully avoid being labeled for improvement, two Racine high schools are rolling out the rewards just to get students to take the tests.

In addition to free movie passes, Case students can qualify for \$10 cash awards, Regency Mall gift certificates, school-spirit wear and other prizes—simply by showing up this week and answering the exam's questions.

At Racine's Horlick High School, the goodies are even bigger. The school is planning several raffles for each of the two days of testing this week, at which students can win a television set, DVD player and CDs, Principal Nola Starling-Ratliff said.

The incentives are geared to increase both schools' test participation rates, which last year fell below the required 95% of students.

Miss that goal for a second year and both schools would have to allow students to transfer to other district schools under the federal law. A third year of missing their target would force the schools to offer extra tutoring in math and reading.

The high schools facing the threat of sanctions aren't the only ones proffering perks this year, however.

Gifford Elementary School in Racine also dangled the prospect of an extra recess, movie privileges and anonymous treats before any fourth-grade class that had perfect attendance during the week of testing.

"It's made a huge difference," Gifford Principal Steve Russo said. "Every morning we talk about testing with the kids. We encourage them to do the best job, to take pride in their work."

#### CRITIC PANS REWARD SYSTEM

But Alfie Kohn, a national opponent of high-stakes testing, called such rewards "coercive" and "disrespectful" toward students. "Even if higher test scores were a good idea, you don't treat children like pets by dangling the equivalent of doggie biscuits before them when they perform to your liking," said Kohn, a Massachusetts-based author of the book, "Punished by Rewards."

School officials, however, say there's nothing wrong with giving students a little push.

Five years ago at Arrowhead High School in Waukesha County, test scores took a serious dip when about 80 sophomores refused to complete the exams, instead turning in blank forms in protest of a test they felt was meaningless. If a school's students were to do the same today, their action could have

more serious consequences for their school in addition to giving it a public black eye.

"We never want to fall into the category where the school's 'in need of improvement' just because students didn't take the test seriously," said Arrowhead Superintendent David Lodes.

#### A REASON TO TRY

So this year, Arrowhead will give its students a reason not only to take the test but also to try.

The school is offering its students a chance to skip final semester examinations in their regular classes if they do well on their WKCEs—scoring at least at the proficient or advanced level in the subject area that corresponds with the class exam they want to avoid.

It's the first year Arrowhead High School has made such an offer, which has been announced to students but is still waiting for formal approval from the School Board.

Arrowhead students who do exceptionally well on the WKCE—scoring at the advanced level on all the tests—also will be allowed to spend their junior-year study hall classes in the senior commons in the pilot effort.

Other schools in the state offering exam exemptions include Big Foot High School, Hartford Union High School and Pulaski High School near Green Bay. Bay Port High School in the Howard-Suamico School District gives students a chance to drop a low-scoring test with a proficient score in the subject area.

"I think we should be able to come up with a way where we can get our students to give their best effort," Lodes said. "Everybody needs to do as best as they possibly can. Yet everybody wants to be rewarded."

Arrowhead students say they can see a difference.

"I'm actually trying a little harder now," said Zack Olson, a 15-year-old sophomore at Arrowhead, where testing began last week.

Previously, Olson said he might not have studied for the test at all. But with the lure of getting out of final exams and a nicer study hall environment, he said he's been doing the practice work that teachers have offered.

Another Arrowhead sophomore, Adam Moir, said he was even a little nervous the night before testing began because he wasn't sure what to expect.

He said a lot of students will be motivated to try to get out of their final exams. "But, in the same way, there are some students that could care less about school," Moir said. "I'm not one of them."

[From the La Crosse Tribune]

OUR VIEW: MAKE FEDERAL TESTING FIT WITH CURRICULUM

(By Tribune editorial staff)

Why are some school districts offering movie tickets and other prizes as an inducement to take the tests required under President Bush's "No Child Left Behind" law?

They are doing it because students have little incentive to participate in the testing, even though a bad result can result in a Federal Government listing as a failed school.

Under the Federal legislation, schools are required to subject students to testing once a year. If students do not participate, the school could face sanctions. For instance, if less than 95 percent of the students show up for testing two years in a row, the school could have to allow students to transfer elsewhere.

So, the stakes on the schools are high. But what about students? The test result doesn't appear on their transcript and it doesn't count toward a grade or graduation.

A story in Sunday's Milwaukee Journal Sentinel said that the Racine, Wis., School

District gives away movie tickets to get kids to show up. Another, unnamed, district is giving away a television set. Still another district—Arrowhead schools in Hartland, Wis., is letting students who take the test opt out of some final exams.

None of this sounds like it is educationally sound, but school administrators say they have little other incentive to get students to take the test. Isn't there a better way to judge school performance than using a test that has no other meaning than providing a potential for Federal punishment? Are there no other valid measurements of student performance?

Giving prizes as an inducement to take a test seems of dubious value. But maybe we ought to be looking for ways to reconcile the federal government's need for performance data with schools' existing curriculum and practices.

#### SYRIA ACCOUNTABILITY ACT

Mr. GRAHAM of Florida. Mr. President, the Syria Accountability and Lebanese Sovereignty Restoration Act takes important and valuable steps, and I would have voted for it had I been present, but I am concerned that it may not go far enough.

Syria has long been recognized as a state sponsor of terrorism. In fact, the Syrians themselves openly speak of their support for terrorist organizations such as Hezbollah, Hamas, and the Palestinian Islamic Jihad. Intelligence reports and terrorism experts tell us that the next generation of terrorists is being trained in a network of training facilities that exist in Syria and the Syrian-controlled parts of Lebanon. These international terrorist organizations that run these camps already have the capacity to kill Americans, and they have state sponsors with access to weapons of mass destruction. Prior to 9/11, Hezbollah was responsible for the deaths of more Americans than any other terrorist group.

On September 18, 2001, the Senate passed S.J. Res 23, which authorized the President to use "all necessary and appropriate force" against those responsible for the attacks of 9/11. This authorization for the use of force is therefore limited to al-Qaeda. We ignore other terrorist networks at our peril—and at one point, President Bush recognized that. Nine days after the terrorist attack of September 11, the President declared:

"Our war on terror begins with al-Qaeda but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated."

In his State of the Union speech on January 29, 2002, President Bush restated our priorities:

Our nation will continue to be steadfast and patient and persistent in the pursuit of two great objectives. First, we will shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. And, second, we must prevent the terrorists and regimes who seek chemical, biological or nuclear weapons from threatening the United States and the world.

I supported those statements and hoped to help the President carry out

his pledge. Last October, Congress authorized the use of force against Iraq. I voted against this authorization because I believed it was a distraction from the war on terrorism. At that time, I attempted to amend the resolution to provide the president the authorization to use force against other terrorist organizations that met the following criteria: they have a state sponsor with access to weapons of mass destruction; they have a history of killing Americans; and they have the ability to strike inside the United States.

I remain concerned that the President does not have the necessary authorization to use force against these additional terrorist organizations. Without such authorization, he cannot fulfill the commitment he made in his January 2002 State of the Union speech.

I hope the administration will take this occasion to review its existing authorities and report back to Congress on where there may be deficiencies in its authorities to carry out the war on terrorism. Only then will we be able to hold Syria and similar states that sponsor or harbor terrorists truly accountable.

#### BUSINESS CLIMATE IN UKRAINE

Mr. CAMPBELL. Mr. President, as Co-Chairman of the Commission on Security and Cooperation in Europe, I have closely followed developments in Ukraine including aspects of the human, security and economic dimensions. My desire is that Ukraine consolidate its independence by strengthening democratic institutions, including the judiciary, and undertaking reforms to improve the business climate essential to attracting much-needed foreign investment. Twelve years after independence, the people of Ukraine deserve to enjoy the fruits of freedom and prosperity, but obstacles remain. Bringing Ukraine more fully into Europe is both essential to the country's long-term economic success and important for European security. Accelerating Ukraine's movement toward Europe is timely and needed. While high-ranking Ukrainian officials pay lipservice to such integration, the jury is still out as to whether they are prepared to take the bold steps that will be required to advance such integration. An important barometer for the future will be the extent to which the country's moves to confront the corruption and crime that retard the process of democratization and economic liberalization and erode Ukraine's security and independence.

While those at the top say the right things, there is justified skepticism as to their sincerity. This is certainly the case concerning Ukraine's current President, Leonid Kuchma. The controversies surrounding Kuchma undercut his credibility with respect to the issue of combating corruption. Nevertheless, this should not detract from